

ZB# 66-1

Marcantonio & Sun Oil Co.

(no SBL given)

Code -7- 66-1

N. + C. marcan torio
sun oil Co. - Vails gate
Route 32

Line 66-1 " " Semire Co. - No. 3

F1/20 2-23-66

PUBLIC HEARING

Pursuant to Section 267 of the Town Law, and Article IX of the Town of New Windsor Zoning Ordinance, a public hearing will be held at the Town Hall, 244 Union Avenue, Town of New Windsor, N.Y., by the Board of Appeals on the 21st day of February, 1966, 7:30 P.M., to act on the appeal from an order of the Zoning Enforcement Officer denying application for a building permit made by Marcantonio and Sun Oil Co. to construct a gasoline station.

TAKE NOTICE that the applicants should appear on the hearing and all persons interested in any way may appear either for or against, and be heard by the Board.

By order of the Board of Appeals of the Zoning Ordinance of the Town of New Windsor this 8th day of February, 1966.

EUGENE D. SLOAN,
Chairman.

STATE OF NEW YORK, COUNTY OF ORANGE — ADELAIDE NILSSON, being duly sworn, deposes and says that on the 8th day of February, 1966, she mailed a copy of the foregoing notice to the Sun Oil Co., River Rd., Newburgh, N.Y., and N. Marcantonio, Windsor Highway, Newburgh, N.Y. and to A. Nilsson, Clerk of Planning Board, M.D., 14 Quassack Ave., Newburgh, N.Y.

ADELAIDE NILSSON,
Clerk

Sworn to before me this 8th day of February, 1966

ABRAHAM ROTENBERG,
Notary Public.

Feb. 10

Subscribed and sworn to before me this
..... 11th day of February 1966

}

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1966



**State of New York
County of Orange, ss:**

Hugh V. Nocton , being duly sworn deposes and says that he is Principal Clerk of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published

.....One..Time.....

in said newspaper, commencing on the....10th.....day of February

.....A.D., 19 66 , and ending on the10 th..... day of February..... A.D., 19 66

Hugh V. Nocton
Jean M. Hoxay

Adopted 12/20/65

APPLICATION FOR VARIANCE

APPLICATION NO. 1-66

DATE: 2/7 1966

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW JELDSOR, NEW YORK

I (we) N & C. MARCANTONIO ^{OWNER} of Rt 32, Vails Gate,
Sun Gil Co. Contracted
Buyer N.Y.
(Street & Number) (State)
HEREBY MAKE
48-9-111-A = 48-9-111-B

48-9-

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY 18/5 - Rt 32 & No Rd., ^{48-11 G 3} 48-12 G I
(Street & Number) (Use District on Zoning Map)

B. PROVISION (S) OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance: 48-9-111-A = 48-9-111-B)

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because:

Premises now being used as a dwelling, and due to the character change of area from residential to business, owner has contracted to sell property,

2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because:

Land more suited for business purposes than residential.

3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: Agreement of Sale signed July 16, 1965, but do to incorrect deed description, Physical Survey had to be made in conjunction with N.Y. State Highway. Taking of a portion of applicant's land

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this ordinance because:

Property is now in a general business area
and improvements will greatly enhance appearance
of the area.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because:

Area now general business

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Property to be used for the sale of Petroleum
Products, Automobile accessories, repairs, etc.

- E. Application to be accompanied by a check, payable to the Town Comptroller, in the amount of \$10.00. Application to be returned to: New Windsor Zoning Board of Appeals, Box 25, New Windsor, N. Y. 12551

F. NOTICE OF HEARING.

Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the ordinance.

Dated: 2-7-66

STATE OF NEW YORK }
 COUNTY OF ORANGE } SS

Sworn to this 8th day of Feb 1966

Judie M. Tuckosh
 Notary Public

JULIA M. TUCKOSH
 Notary Public, Orange Co., N.Y.
 Commission expires March 30th 1966

M. C. Macantonia - owner
& Son Auto - per R.L. Her
 Signature of Applicant

River Rd. Newburgh, NY
 Address

50-1-3040

Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. 50-1-3040-1

Date Received 2/8/66

Date of Hearing 2/8/66

Notice Published 2/10/66

Date of Decision 2/10/66

Decision: Granted

Rapson Fimestone
Bed 4
New Windsor, N.Y.

Paul Simpson
Marblehead Mass. (observer)

Name

Charlotte Marantonio
362 Windsor Highway
Newburgh, N.Y.

Address

Nicholas J. Marantonio
362 Windsor Hwy.
Newburgh N.Y.

Madeline Shapero

Attorney for Board of Education
144 Broadway, Newburgh, N.Y.

C. J. Racine

Old Songs Hill Rd. RD #4
Newburgh N.Y.

Emilio Pomella

M.D 33 Route 94

Newburgh N.Y.

Devitt

Matthew S. Devitt Attorney for
Ces & Mrs Marantonio

OFFICE OF SUPERVISOR
TOWN OF NEW WINDSOR
TOWN HALL
Union Avenue New Windsor
Newburgh, New York

THEODORE F. MARSDEN
SUPERVISOR

Route 3rd Change
zoning variance

TELEPHONE
JO 1-7127

July 5, 1966

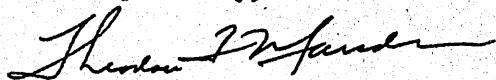
Mrs. Frank Grefe
Vails Gate, New York 12584

Dear Mrs. Grefe;

Enclosed please find a copy of an opinion requested by the Town Board as the result of your petition.

As the Attorney points out, there is no control over this action by the Town Board.

Respectfully,



THEODORE F. MARSDEN
Supervisor

TFM:ked
Enc.



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MAHARAY, EWING, McCANN, AHERN & SOMMERS

ATTORNEYS AND COUNSELLORS AT LAW

361 BROADWAY

NEWBURGH, NEW YORK 12550

914-561-9400

DONALD H. McCANN
COUNSEL

ARTHUR O. MAHARAY
GORDON W. EWING
DANIEL F. AHERN, JR.
BERNARD J. SOMMERS

June 29, 1966

Town Board
Town of New Windsor, N. Y.

Gentlemen:

You have requested my opinion in connection with the petition submitted in opposition to the proposed gas station on Route 32, at the corner of the Forge Hill Road.

A variance was apparently claimed by the Zoning Board of Appeals by reason of the fact that the parcel was smaller than the zoning ordinance requires. Mr. Cavalari wrote an opinion with reference to this and I am attaching a copy of it.

The granting of the variance is within the jurisdiction of the Zoning Board of Appeals. The Town Board has no control over it. The zoning ordinance sets forth the procedure and if the people affected believe that the procedure has not been followed properly and that the decision is incorrect, the remedy is by court action. There is no provision for the Town Board to take any action and the submission of a petition gives the Board no authority. As I see the situation, the Zoning Board of Appeals has made its decision, and you can only notify the petitioners that you have no jurisdiction or control over the matter, whatsoever.

Sincerely yours,

Arthur O. Maharay

AOM/bt
Enclosure: Letter



F.B
Meeting
6-15-66
5D-12

P. O. Box 241
Vail's Gate, New York
June 9, 1966

*referred
to
T.A. Matany*

Mr. Theodore Marsden, Supervisor
Town of New Windsor
Union Avenue
Newburgh, New York

Dear Mr. Marsden:

Ref: Sun Oil Co. Variance, gas sta.
Rt. 32, Old Forge Hill Rd.,
not Old Temple Hill Rd.

This letter will serve as formal protest to the recent action taken by the New Windsor Zoning Board of Appeals relative to Variance granted to the Sun Oil Company, and also to the Board's denial for a re-hearing.

I am aware that a local Appeal Board does have the legal right to grant a Variance based on "practical difficulty and unnecessary hardship"; however, I fail to understand how Sun Oil Company readily qualified. The Lot, known as the Marcantonio property, is not adequate in size, it is not ideally located next to the Vail's Gate Elementary School, and if erected would prove to be even more hazardous to this area where several large business establishments now exist; Big V Plaza, W. T. Grant Co., Chester National Bank (Vail's Gate Branch), several other business in the Plaza, and opposite this Sun Oil Company purchase, there is already in operation a gas service station.

Three gas service stations are presently in existence on the Vail's Gate corners, Rt. 94, Rt. 32, and Rt. 207. These stations are located less than a mile from the Sun Oil Company proposed station. Only one of the three is doing adequate business to justify its existence. How will the proposed service station justify its existence to Vail's Gate, more specifically to the Town of New Windsor, except for tax purposes. Newly erected service stations that close within a short period of time do not enhance the community.

The New Windsor Zoning Ordinance Book, Pgs. 4823 and 4824 supports my reasons for disapproval, and Pg. 4861 supports my request for a re-hearing.

I wish to further inform you that I was advised by the assistant to Mr. Charles L. Crangle, Director of New York State Bureau of Planning, to secure signatures of three Town of New Windsor residents (taxpayers) who, like myself, are aggrieved by the action taken by the Zoning Board of Appeals in refusing me a re-hearing and in the approval of Variance to Sun Oil Company. These are listed in separate form.

In closing, I wish to be further informed on what basis approval was granted for the establishment known as Pupple Parlor Car Wash, corner Rt. 94 and Old Temple Hill Road, Vail's Gate, since this property was restricted by former land owner, Catherine Cushing, that no business or factory could be placed on Lots 5, 6, 7, 8, 9, 10, and 11, in that immediate area. Please advise when this restriction was lifted to allow this structure.

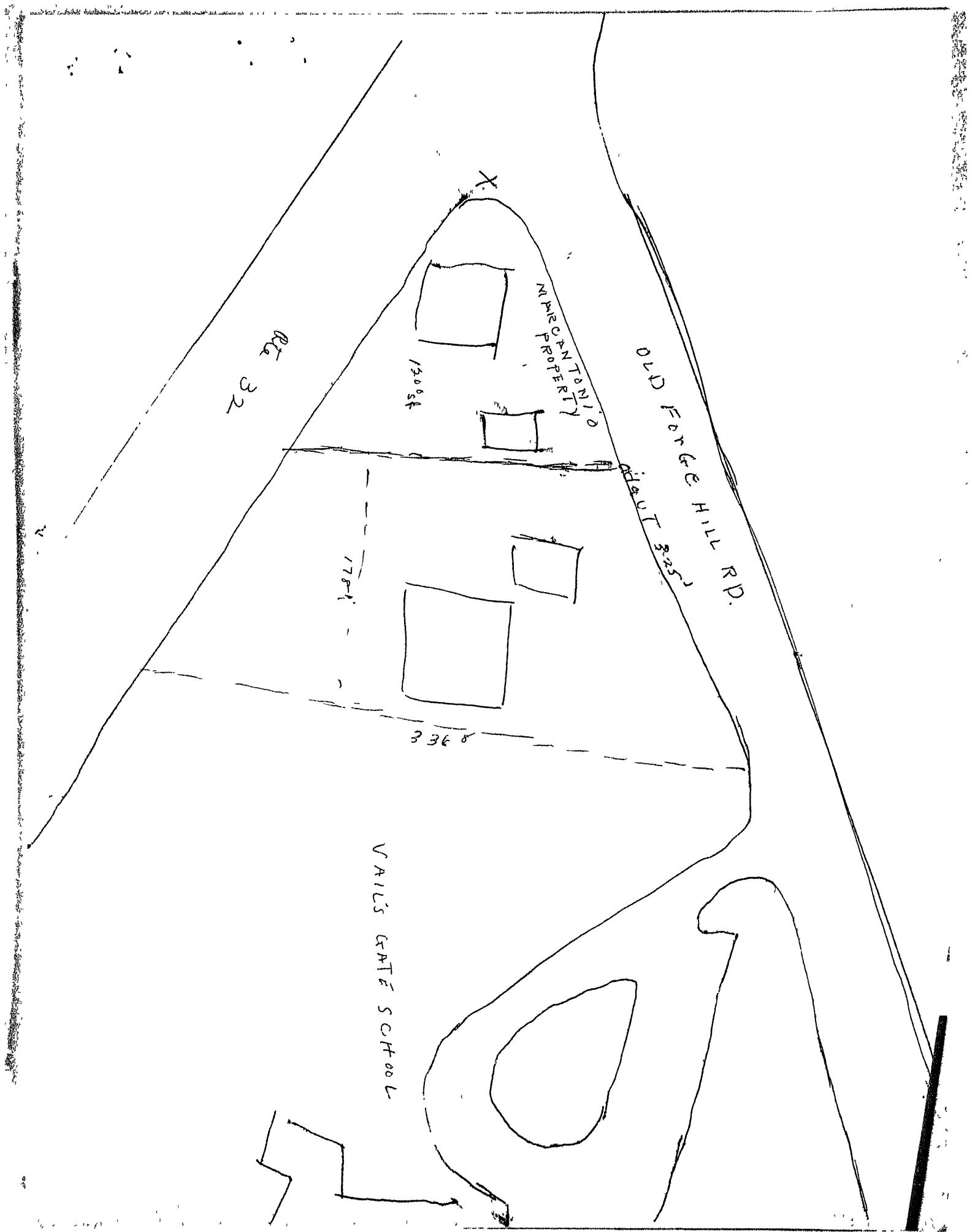
I sincerely feel that I am due a re-hearing and await your reply.

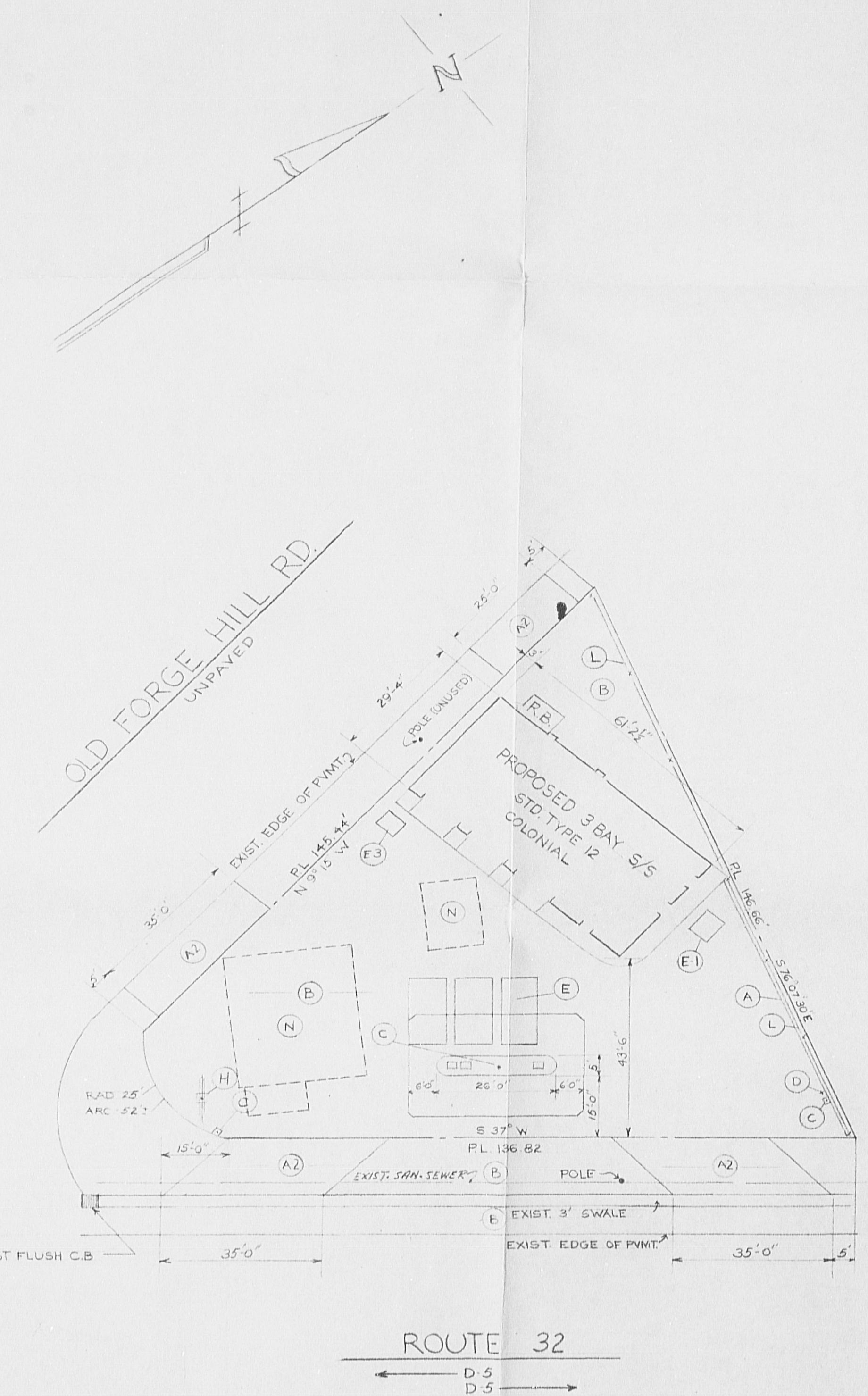
Very truly yours,

Theresa Grefe
Theresa Grefe (Mrs. Frank)

Encl: Copy of map and site location.

<u>George A Weber</u>	<u>New Windsor Tax Payer</u>
<u>Oliver B Weber</u>	<u>New Windsor Tax Payer</u>
<u>Jane Lare</u>	<u>New Windsor Tax Payer</u>
<u>Frank Grefe</u>	<u>NEW WINDSOR TAX PAYER</u>
<u>Frank Cusione</u>	<u>NEW WINDSOR TAX PAYER</u>
<u>Jonnie Cusione</u>	<u>NEW WINDSOR TAX PAYER</u>
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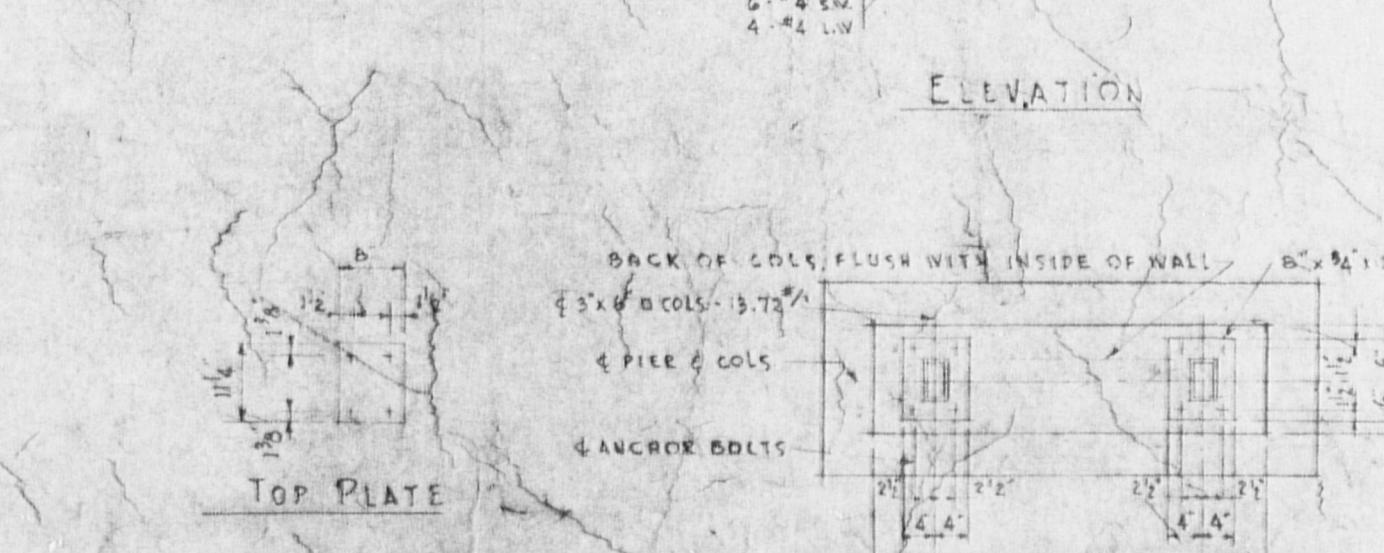
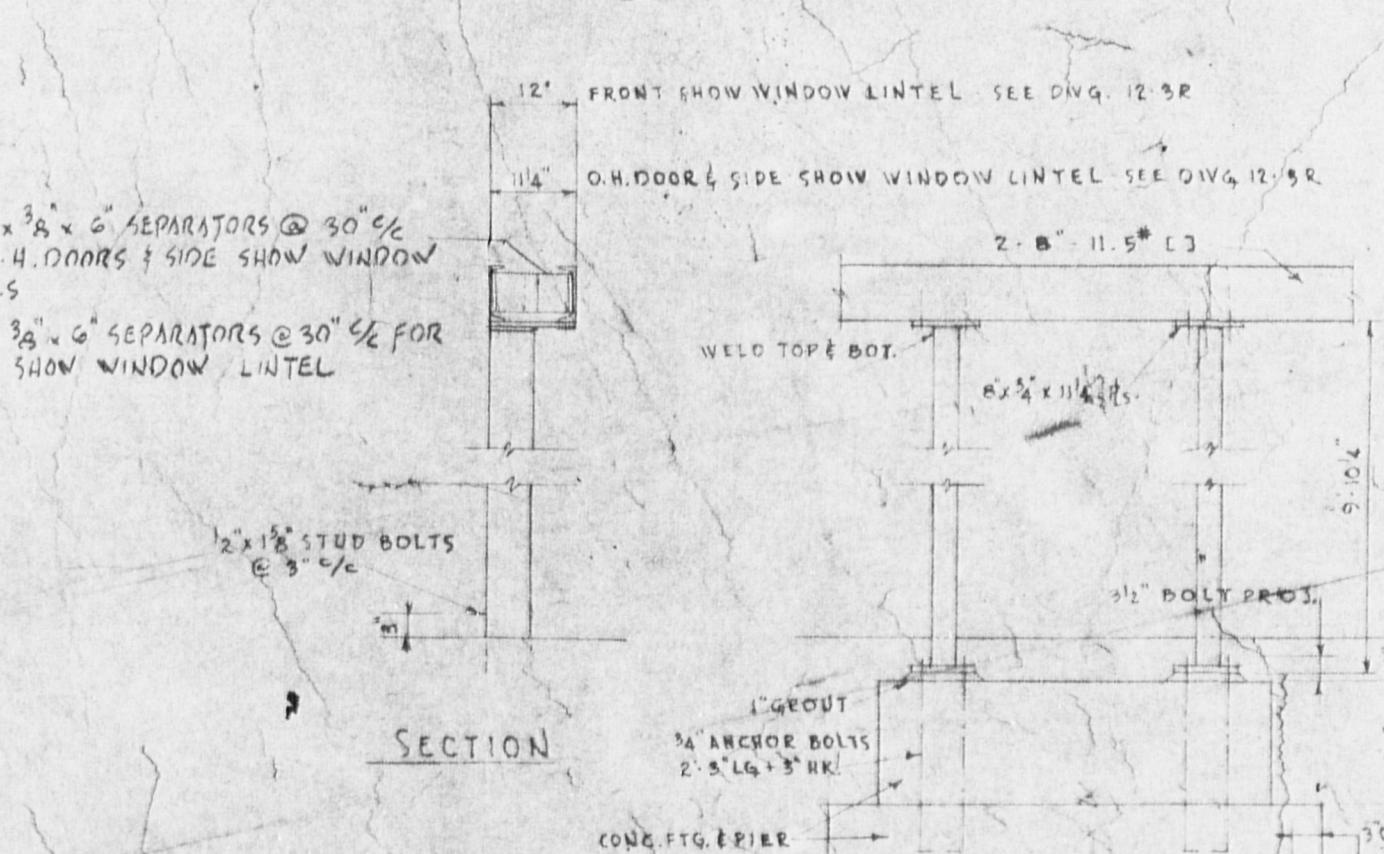
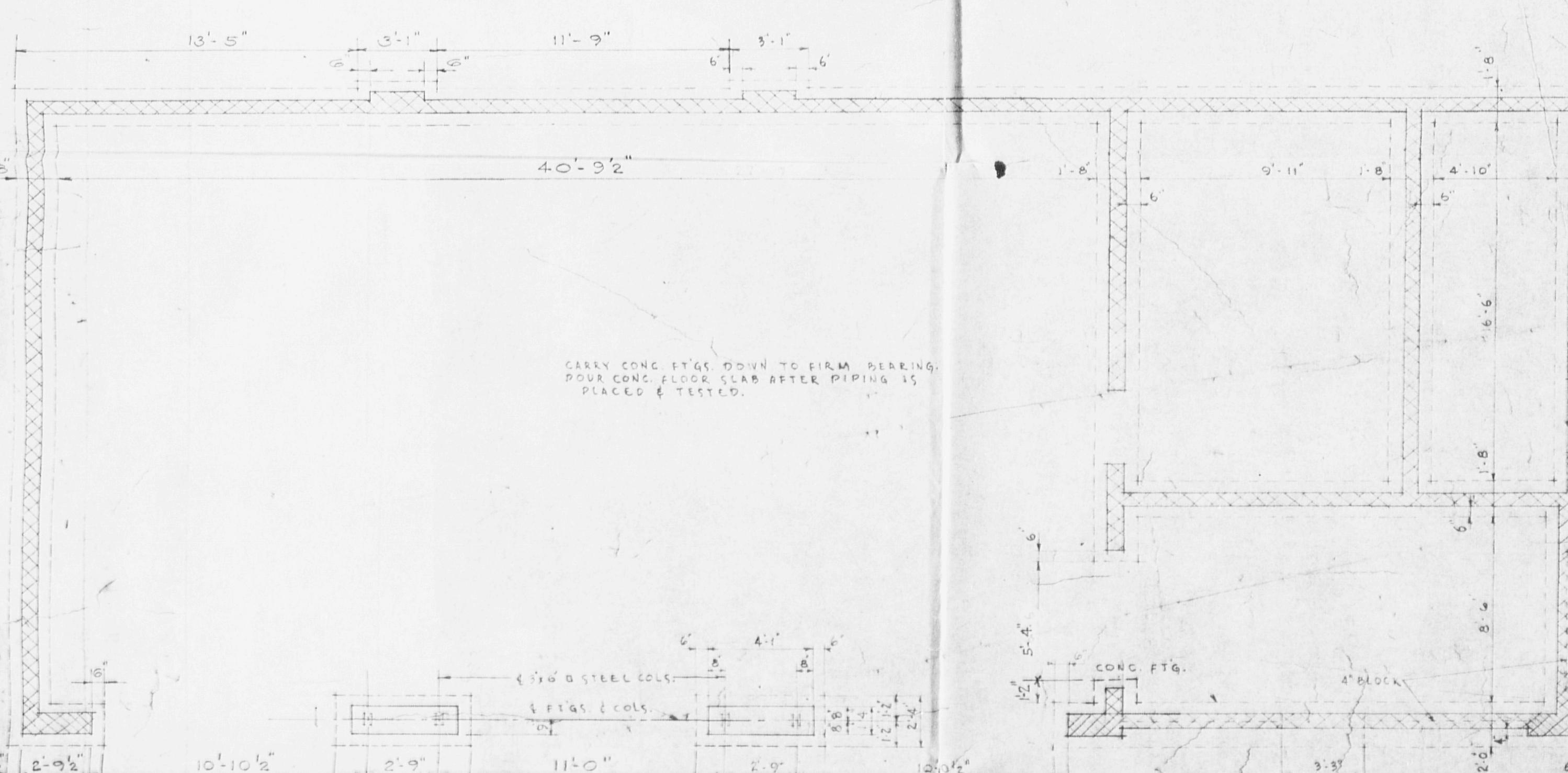
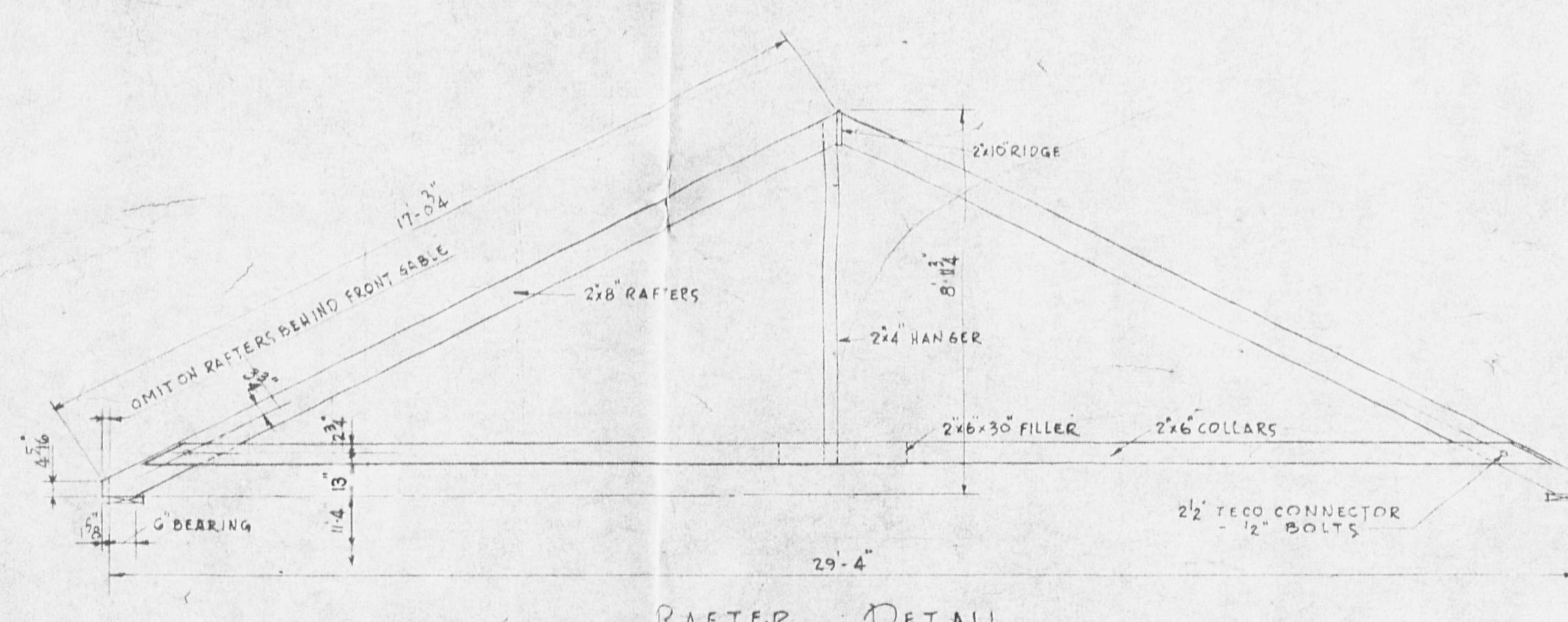
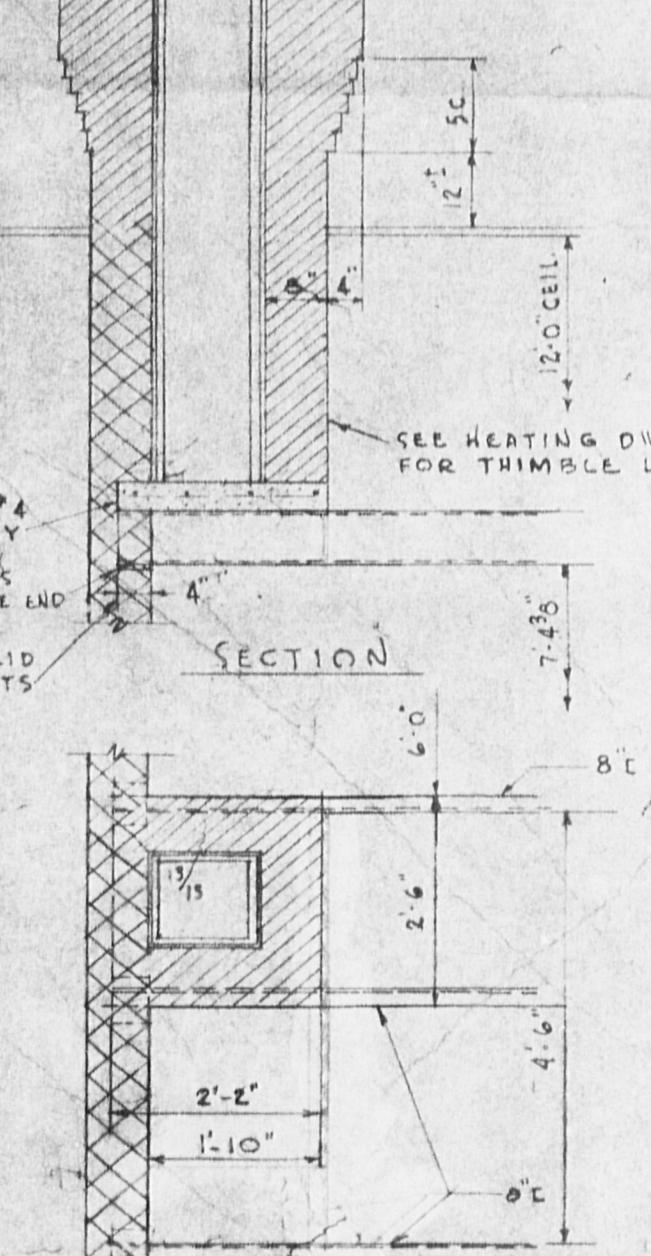
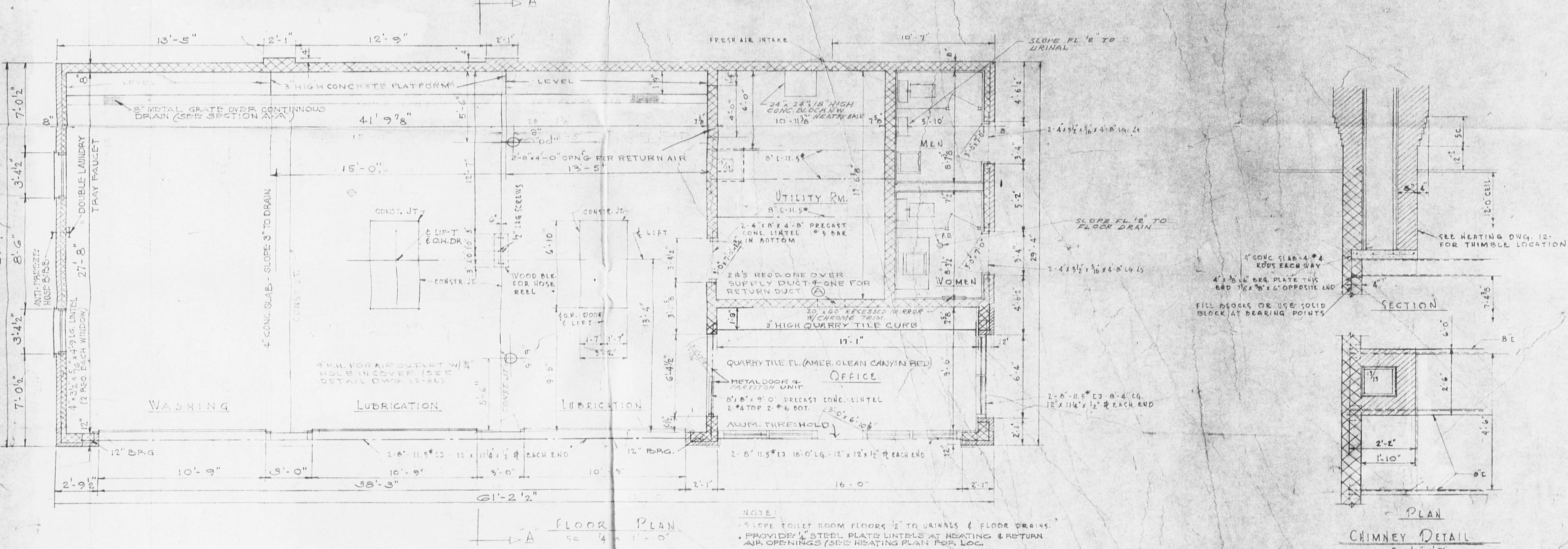




LEGEND

A	NEW CONC. CURB
A-1	CONC. SWALE
A-2	CONC. APPR.
A-3	CONC. MAT
A-4	CONC. SIDEWALK
B	BITUMINOUS
C	MERCURY VAPOR LIGHT POLE
D	TIRE AIR OUTLET
E	3 6000 GAL. GAS TANKS
E-1	1000 GAL. FUEL OIL TANK
E-2	550 G. FUEL OIL TANK
E-3	550 GAL. WASTE OIL TANK
E-4	12-550 GAL. GAS TANKS
F	260 TANK
F-1	190 TANK
G	FILL BOX
G-1	GAUGE BOX
G-2	SUCTION LINE
G-3	VENT LINE
H	11 P SIGN
H-1	11 PR SIGN
H-2	9 P SIGN
H-3	9 PR SIGN
I	SEPTIC TANK
I-1	SEEPAGE PIT
I-2	DRYWELL
J	YARD DRAIN
K	WATER WELL
L	GUARD RAIL FENCE
M	STOCKADE FENCE
M-1	GRADES FOR DRAINAGE & SEED
N	3/4" SS BEED
N-1	SOD
N-2	TOP SOIL
N-3	SHRUBBERY
N-4	EXIST. BLDG. TO BE REMOVED

APPROVED	REVISIONS	DATE
SUN OIL COMPANY NEW YORK REGION ENGINEERING		
PLOT PLAN OF PROPOSED SERVICE STATION		
RTE. 32 & OLD FORGE HILL RD., VAILE'S GATE, N.Y.		
DRAWN BY <i>M.R.E.</i> CHECKED BY <i>11-10-65</i>		
TRACED BY <i>M.R.E.</i> APPROVED BY <i>11-10-65</i>		
REGIONAL ENGINEER <i>NYC 2081A</i>		



SC. 1/2 = 1'-0"

REFERENCE DRAWINGS

L1-A-2L
L2-A-3R
L2D-4M
L2-5R
L2-7L
L2-8L

23	ADDED METAL GRATE OVER CONTINUOUS DRAIN	P.M.
23	ADDED 5' MH FOR AIR OUTLET	P.M.
22	REVISED CONC. PLATE UNDER BAY SHV.	P.M.
12	REVISED RESTROOM DOOR TO ACCORDANT	P.M.
12	NEUTRAL ROOFS	A.R.
12	REVISED CHIMNEY SUPPORT CHANNELS	A.R.
12	REMOVED 5' MH FROM BAY SHV. ADDED PIPING IN BAY SHV.	A.R.

SUN OIL COMPANY
ENGINEERING DIVISION, GENERAL MARKETING OPERATIONS
1608 WALNUT STREET PHILADELPHIA 3, PENNA.

TYPE 12 COLONIAL 3 DAY SERVICE STATION

PLANS & DETAILS

REGISTERED
JUL 1958
N.J. C. CO.

RECOMMENDED
JUL 1958
N.J. C. CO.

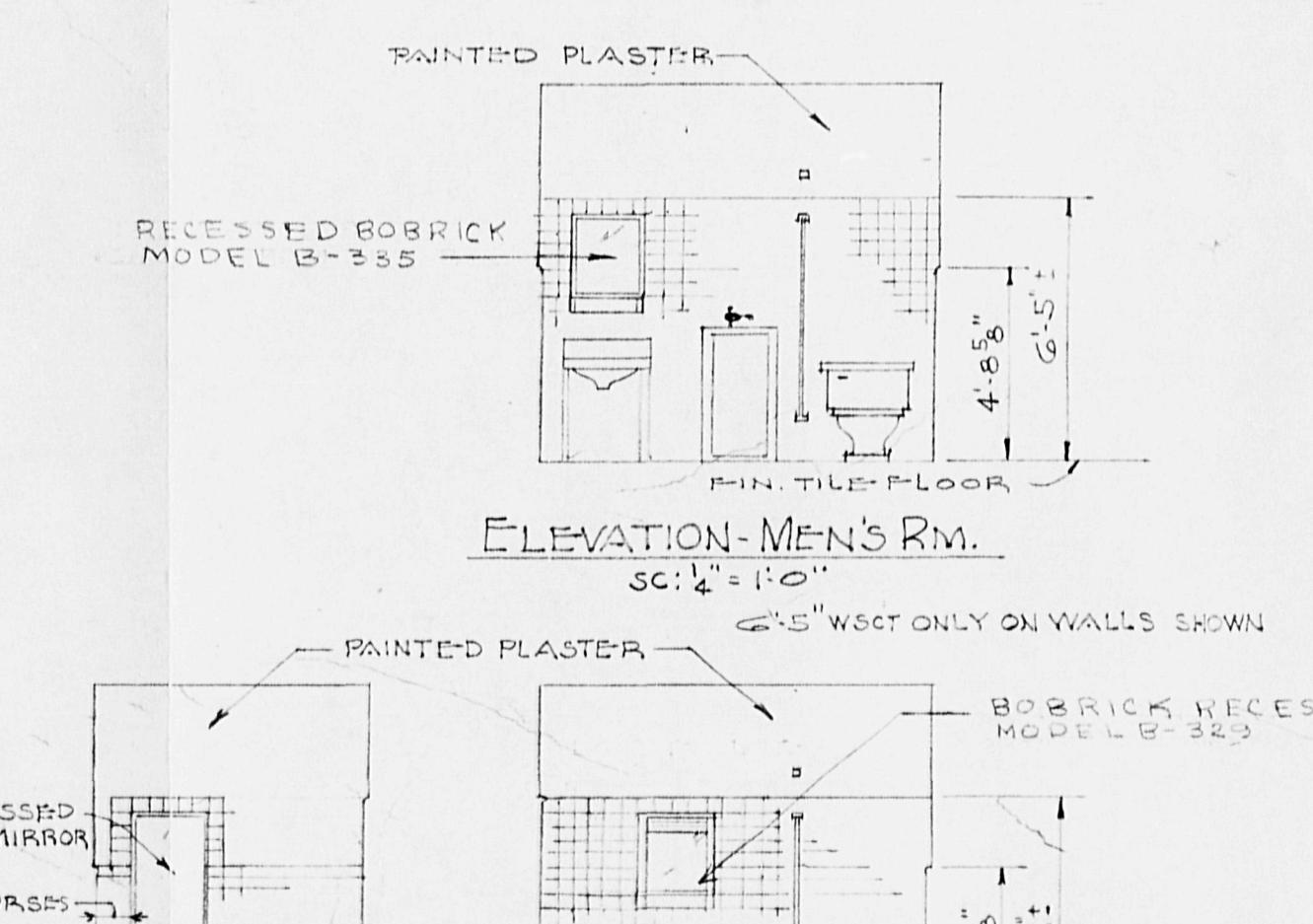
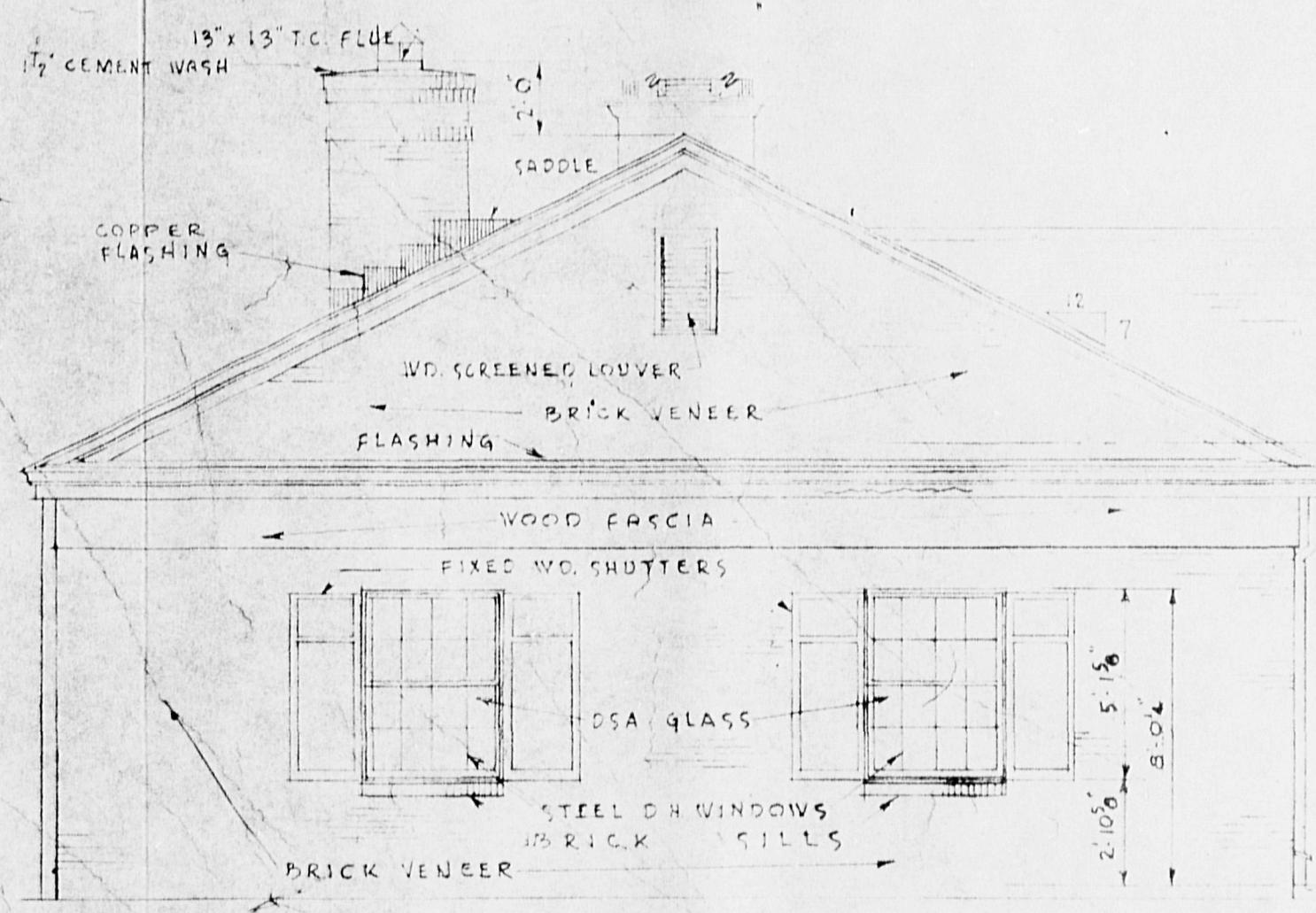
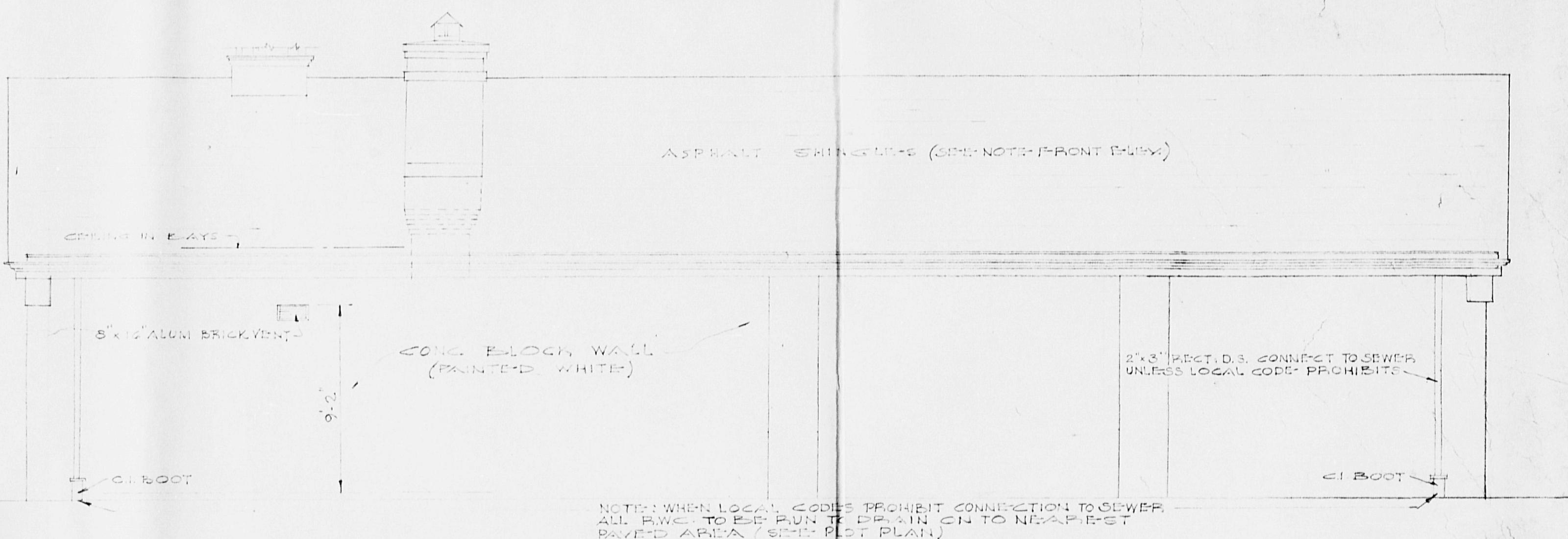
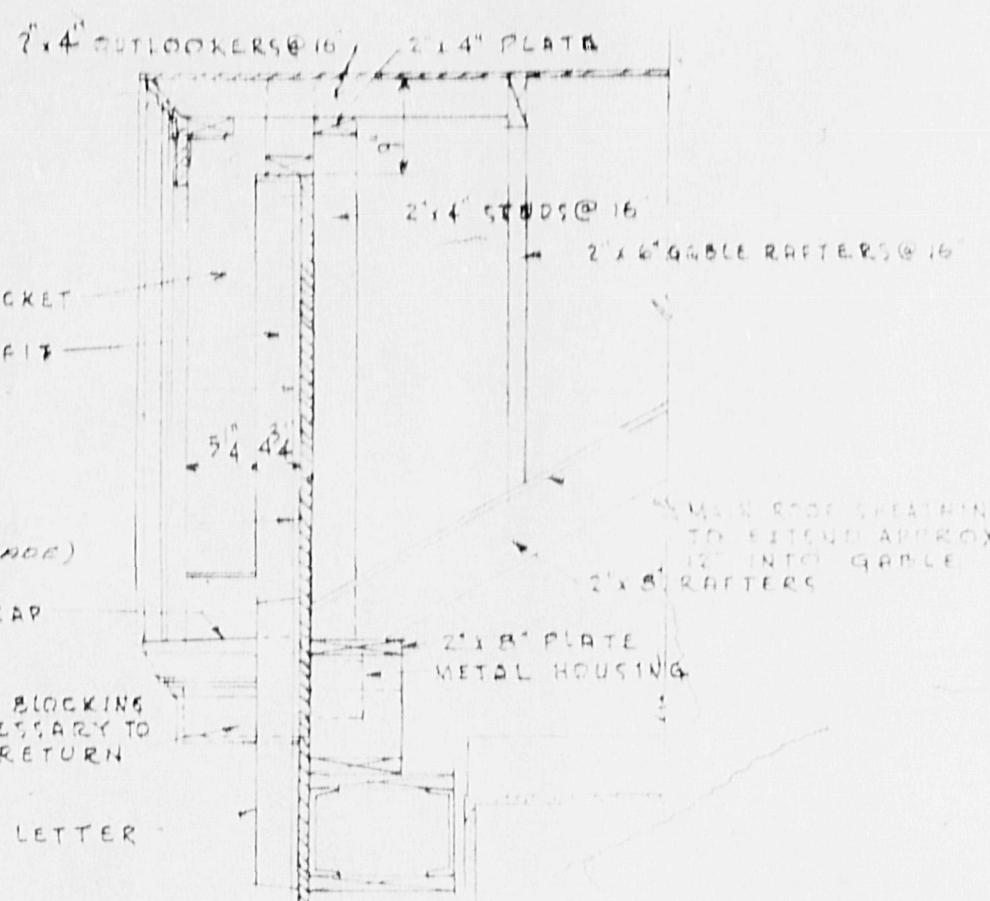
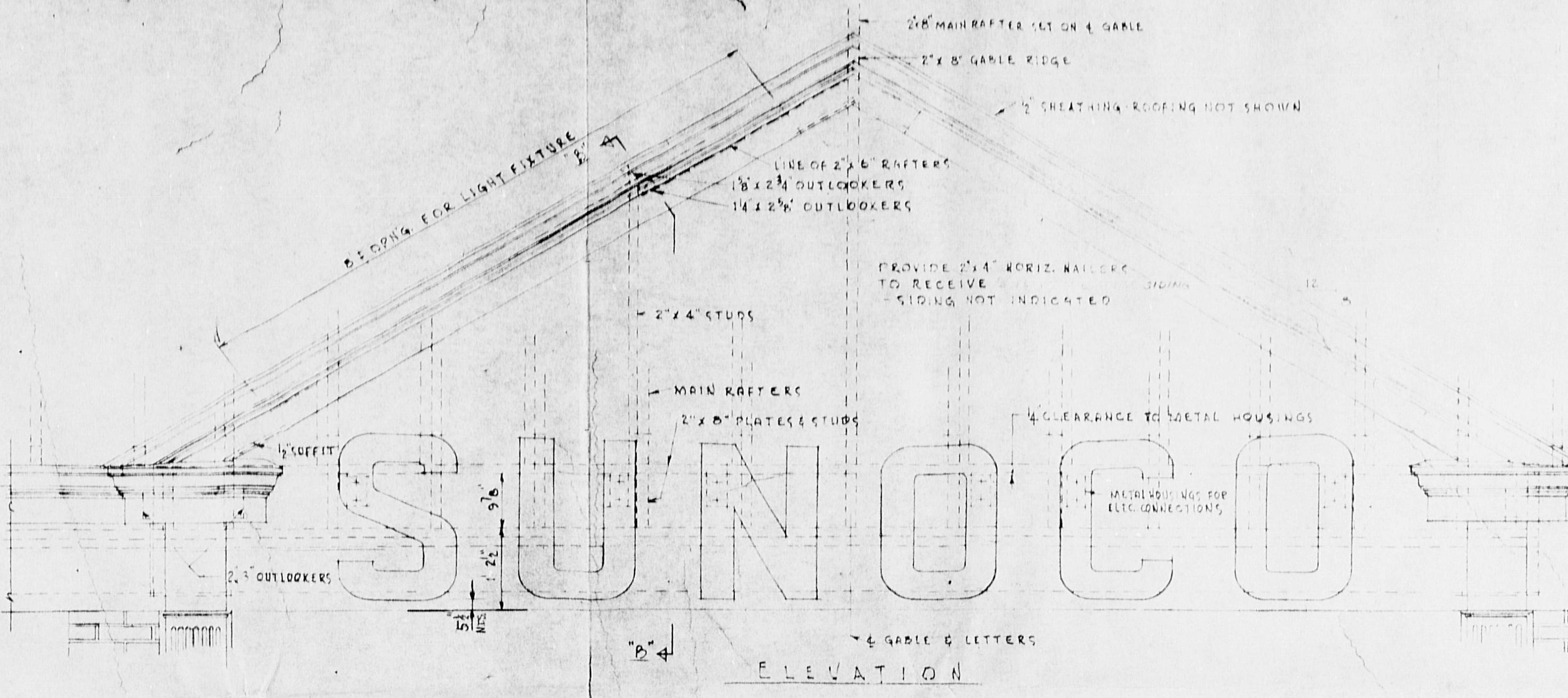
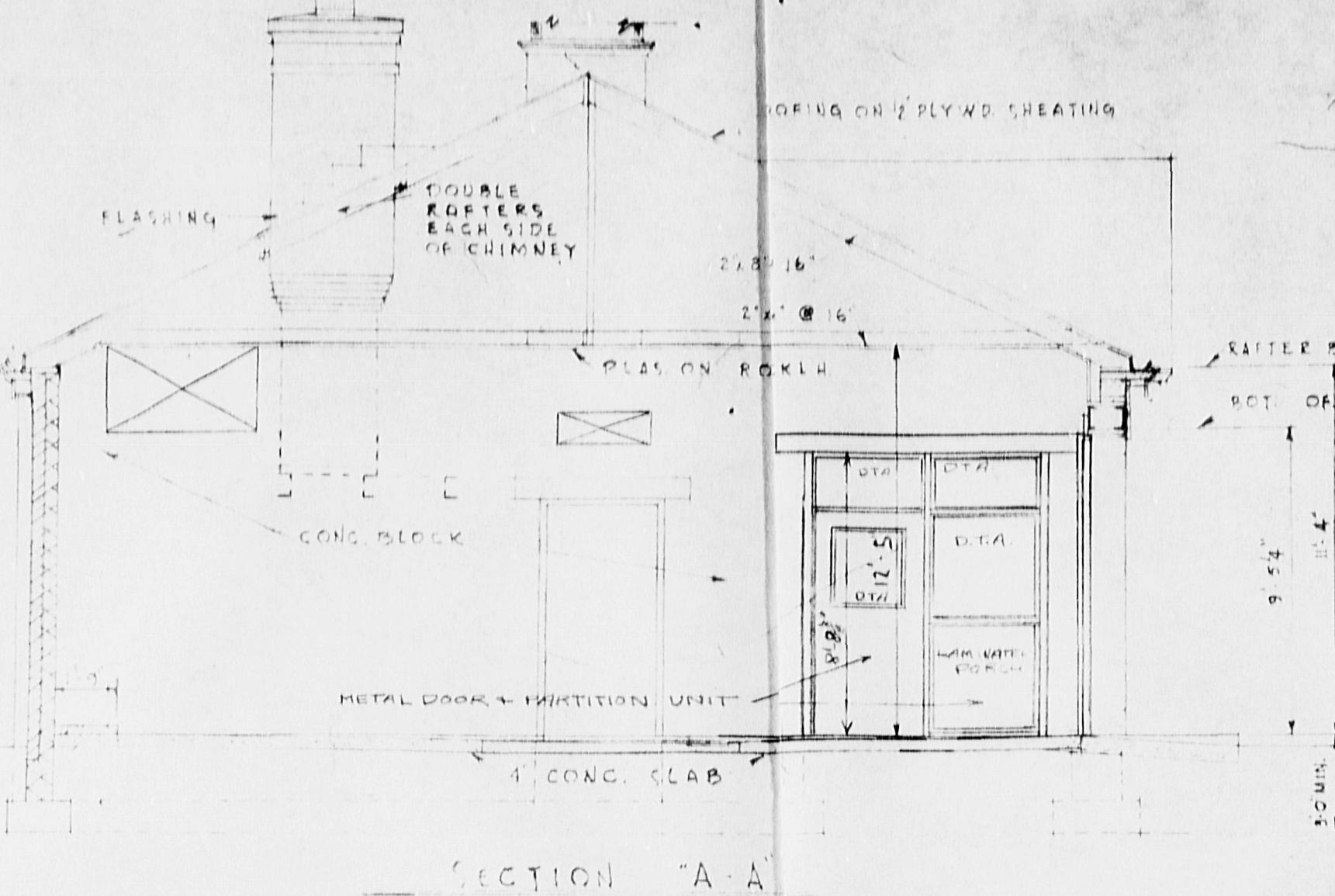
ARCHITECT
A.C. STRONG, AIA - 23 W. 10th ST. CHESTER, PA.

MANAGER'S APPROVAL
John M. McPherson

DRAWING NO. 12A-1
REV. NO. 23

12A-1
23

FORM S-788 REV. 1 PRINT IN U.S.A.

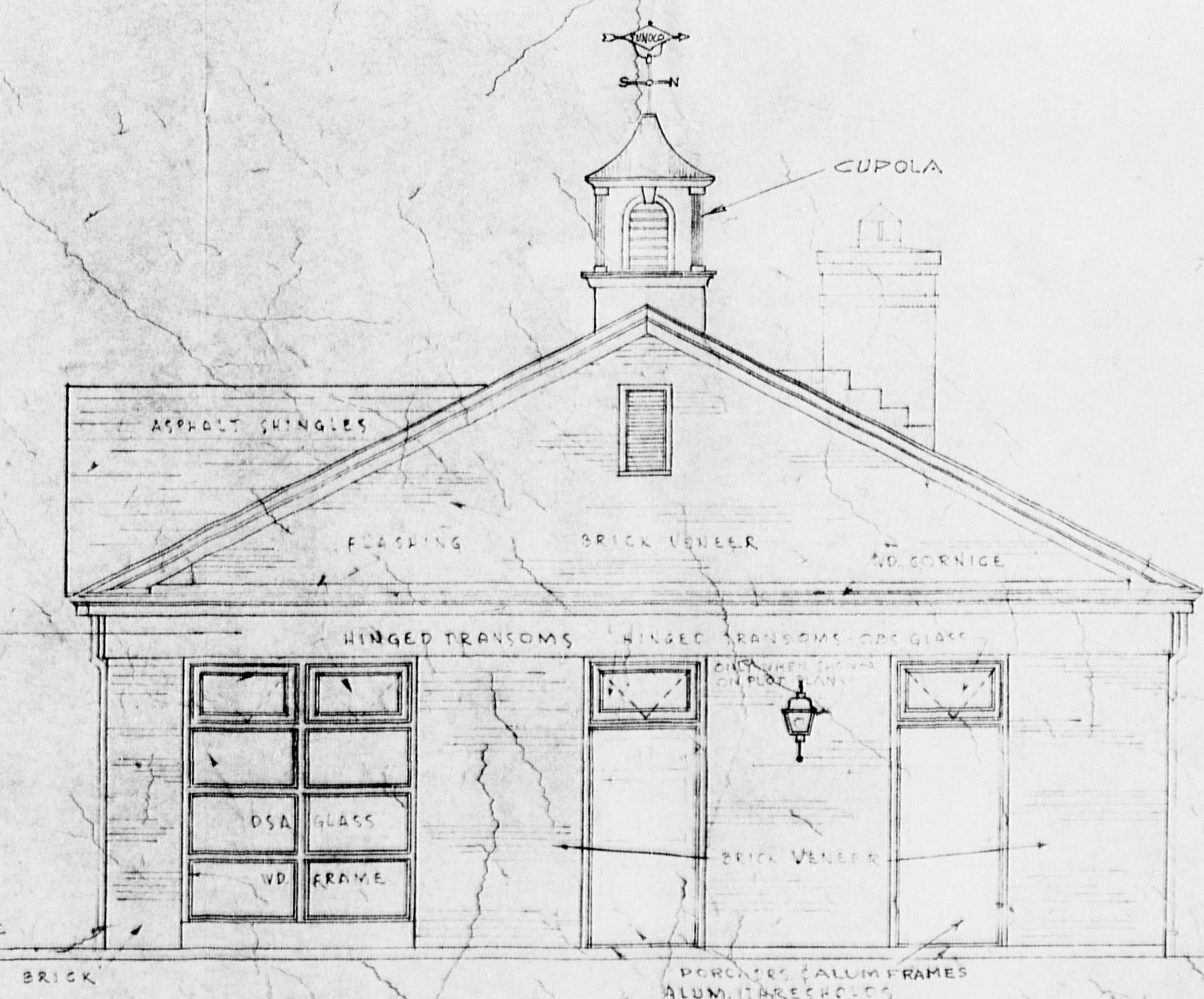
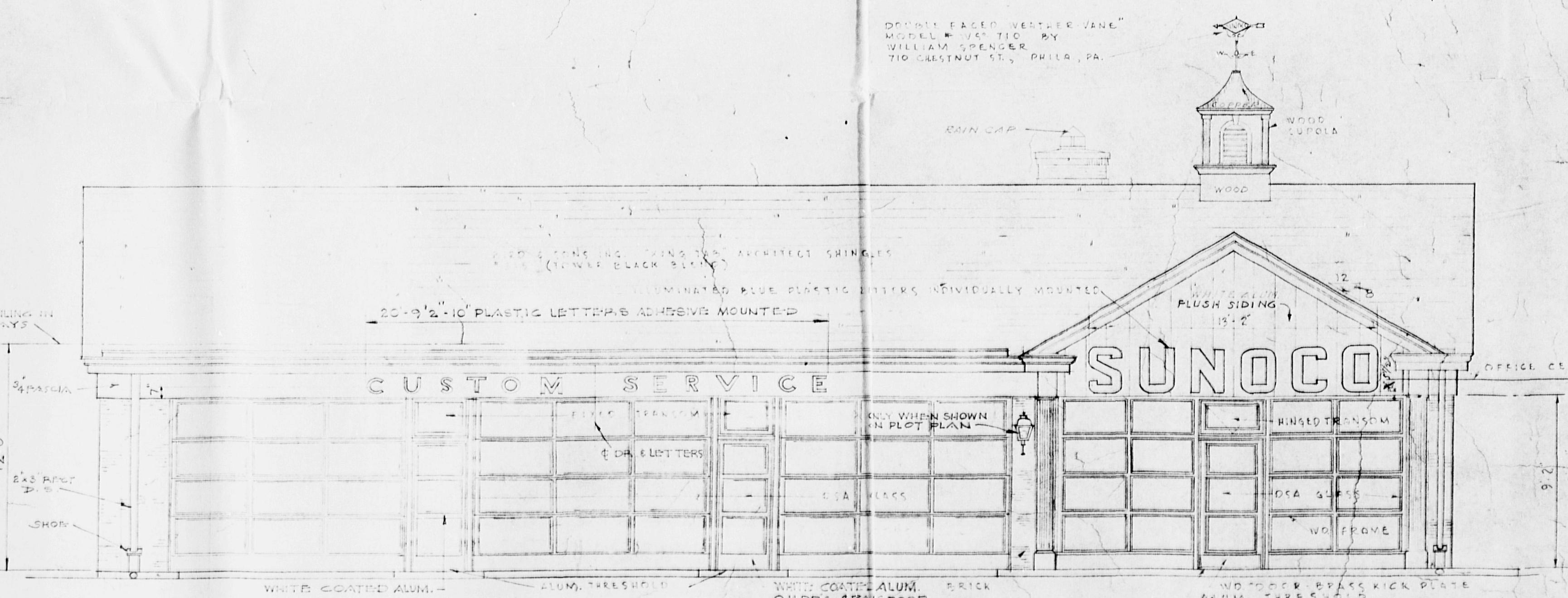


ELEVATION - WOMEN'S RM.
SC: 1/4"=1'-0"

NOTE:
FACE BRICK TO BE MANUFACTURED
BY M.J. SHALE BRICK & TILE CORP
"OLD WILLIAMSBURG"

REFERENCE DRAWINGS

PLANS & DETAILS
DETAILS
SHELVING
HEATING
ELECTRICAL
AIR LIFT & LUB. PIPING



A. C. STRONG, A.I.A. • 22 W. 10th ST. CHESTER, PA.
REGISTERED
DEL 3058
D.C. AIA

ARCHITECT

REGISTERED
N.J. C-3600
PA 2300

23'-0" ALBED BRICK STYLE 8 MID. MIT.
RAISED PLATE ON GABLE, WOOD PEN.
PARTITION TO METAL.
REV. RESTRM. MIRRORS + FIXTURES, ETC.
11'-0" REV. REST. DES. + FRS TO PORC. OR ALUM. FR. RM.

NO.	DATE	REVISIONS	NO.	DATE	REVISIONS

SUN OIL COMPANY
ENGINEERING DIVISION, GENERAL MARKETING OPERATIONS
1608 WALNUT STREET
PHILADELPHIA 3, PENNA.

TYPE 12 COLONIAL 3 BAY SERVICE STATIONS
ELEVATIONS & SECTIONS

DRAWN BY: *John Marshall*
CHECKED BY: *John Marshall*
MANAGERS APPROVAL
DRAWING NO. 12A-2L
REV. NO. 23

DATE 1-13-65
SCALE 1/4" = 1'-0"